

OAKLAND PUBLIC SCHOOLS  
Office of the Superintendent

ADMINISTRATIVE  
BULLETIN 6017  
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POLICY ON STUDENTS WITH ACQUIRED IMMUNE DEFICIENCY SYNDROME  
(AIDS, ARC, HTLV-III/LAV)

Acquired Immune Deficiency Syndrome (AIDS) is a blood-borne, infectious disease, generally transmitted sexually, which is caused by a virus variously known as human T-lymphotrophic virus type III (HTLV-III) lymphadenopathy-associated virus (LAV) or AIDS-associated retro-virus. AIDS Related Complex (ARC) is a constellation of milder symptoms associated with AIDS. Since AIDS is blood borne, it is also transmitted transplacentally and through the sharing of intravenous needles.

Students with Acquired Immune Deficiency Syndrome (AIDS), AIDS related Complex (ARC), or who are HTLV-III/LAV antibody positive have the right to a free and suitable education (California Education Code (C.E.C.) Chapter 2, Article 1, Section 48200). California State Law (Health and Safety Code 199.20-22) requires physicians and health officials to obtain written authorization from patient before disclosing results of blood tests for antibody to AIDS virus. There is no legal requirement that school authorities must be notified. Therefore, it is important that feelings of trust and cooperation exist between school officials and health authorities.

The Oakland Unified School District recognizes its responsibility to give diligent care to the health and welfare of all pupils in sickness and health (C.E.C. 49400-50, C.A.C. Title 17 2500-04).

The legal issues concerning AIDS have yet to be fully delineated. However, the case-by-case approach to determine the appropriate educational environment for a student diagnosed with AIDS, ARC, or who is HTLV-III/LAV antibody positive has been upheld by the courts. Therefore, decisions regarding the type of education and care for victims diagnosed as having AIDS will be based on multiple factors.

The factors involved in decision-making should be: age, behavior, neurological development, physical condition of afflicted person, expected type of interaction with others within a given setting, and desires of the students and parents.

The decision-making team should be composed of:

Patient's physician, public health personnel, patient's parent or guardian, and school representatives (Superintendent or designee, Health Consultant or designee, and Legal Advisor or designee). In each case the rights and benefits of the patient must be weighed against those of the school population.

Based on the recommendations of the Center for Disease Control, AIDS should not be treated differently from any other communicable disease.

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POLICY

CASE BY CASE  
APPROACH





EDUCATION

The Center for Disease Control recommends that all education and public health departments, regardless of whether HTLV-III/LAV-infected children are involved, inform parents, children, and educators regarding HTLV-III/LAV and its transmission. Therefore, the Oakland Unified School District will institutionalize educational programs for students, staff, and parents on AIDS and other communicable diseases.

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